

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal Action No. 1:20-cr-143
)	
ZACKARY ELLIS SANDERS,)	
Defendant.)	


ORDER

This matter is scheduled to come before the Court on Thursday, April 28, 2022 for a hearing on the government’s motion for forfeiture of property (Dkt. 610) and the defendant’s motion for return of non-contraband property (Dkt. 607). Ordinarily, forfeiture hearings occur as part of sentencing proceedings, and a defendant’s presence is required during sentencing by Rule 43(a)(3), Fed. R. Crim. P. Defendant is unable to be present at the April 28, 2022 hearing, and the hearing must be postponed. The government failed to file a retention order to keep defendant housed at the Alexandria Detention Center, and earlier today defendant was transferred out of state to a federal prison. The United States Marshals Service (“USMS”) has advised that it is unlikely that USMS can return defendant to this District in time for the April 28, 2022 hearing. Indeed, USMS has advised that USMS may not be able to return defendant to this District until Friday, April 29, 2022 at the earliest. Thus, the April 28, 2022 forfeiture hearing will be postponed, unless defendant elects to waive his right to appear at the forfeiture hearing.

Accordingly,

It is **ORDERED** that if defendant, by counsel, waives his right to appear at the forfeiture hearing, then the forfeiture hearing will occur as scheduled at 1:00 p.m. at Thursday, April 28, 2022. If defendant does not waive his right to appear at the forfeiture hearing, then the hearing will be **POSTPONED** until **Friday, April 29, 2022 at 3:30 p.m.**

April 27, 2022
Alexandria, Virginia



T. S. Ellis, III
United States District Judge